UNITED STATES PATENT AND TRADEMARK OFFICE

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		EXAMINER
7590	07/15/2004	ZHEN, WEI Y

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ART UNIT	PAPER NUMBER
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DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 April 2004*.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-37* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14 and 16-37* is/are rejected.

7) ☒ Claim(s) *15* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/6/2003, 5/17/20*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on 4/19/2004.

2.   The rejection to claims 15 and 20 under 35 U.S.C. 112, second paragraph are withdrawn in view of applicant's amendment.

3.   Claims 1, 3, 4, 8-12, and 16 remain rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (U.S. Patent Number 5,805,899).

4.   Claims 2, 5-7, 13-14, 17-18, 20-26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614).

5.   Claim 19 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614) and further in view of Leblang et al. (U.S. Patent Number 4,809,170).

6.   Claims 28-37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899).

7.   Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 8-12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (U.S. Patent Number 5,805,899).

In regard to Claim 1, Evans teaches: (a) receiving a request corresponding to binding at least one shared assembly to executable code (Column 1, lines 23-24); (b) interpreting configuration information corresponding to the at least one shared assembly to determine a version of a shared assembly to bind to the executable code, wherein the information is separated from the assembly (Column 14, lines 57-61).

In regard to Claim 3, Evans teaches that the executable code comprises an application program (Abstract, line 12), and associating an application program with an application configuration having redirection information therein (Figure 2(c), items 132 and 120).

In regard to Claim 4, Evans teaches storing the application configuration in a folder comprising the application program (Column 2, lines 13-17).

In regard to Claim 8, Evans teaches: (a) associating an assembly version with a configuration ((Figure 2(c), items 132 and 120); (b) wherein interpreting configuration information includes interpreting the publisher configuration. The examiner takes official notice that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion under which the application operates.

In regard to Claim 9, Evans teaches storing the configuration information in assembly cache containing at least one assembly version (Column 2, lines 13-17).

In regard to Claim 10, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 11, the examiner takes official notice that storing files in a folder is a well-known method of storing files in a file system, since this allows files to be grouped with other files, and hence better organized.

In regard to Claim 12, Evans teaches caching data identifying the version of the shared assembly (Column 2, lines 13-17).

In regard to Claim 16, Evans teaches a computer-readable medium (Column 15, lines 61-62).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 5-7, 13-14, 17-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614).

In regard to Claim 2, Evans teaches the method of Claim 1, but does not teach redirecting one assembly version to another assembly version. Barboy, however, teaches redirecting calls of

an out of date software version to a new software version, when calls are made to the out of date

software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught

by Evans, where interpreting configuration information includes redirecting one assembly

version to another assembly version, as taught by Barboy, since this allows users to access a new

software version without having knowledge that an older version has been updated.

In regard to Claim 5, Evans teaches the method of Claim 3, but does not teach redirecting

one assembly version to a third assembly version. Barboy, however, teaches redirecting calls of

an out of date software version to a new software version, when calls are made to the out of date

software version (Column 8, lines 30-32). It can be assumed that the method of Barboy can be

performed twice, so that the out of date software version can be redirected to a new software

version on the first method run, and redirected to a newer software version on a second software

run. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to perform the method of Claim 1, as taught by Evans, where interpreting

configuration information includes redirecting one assembly version to a third assembly version,

since this allows an old software version to be updated twice, without user knowledge that an

older version has been updated.

In regard to Claim 6, the examiner takes official notice that configuration information for

an application would come from a publisher configuration, since the publisher of the application

has designed the application, and knows first-hand the criterion that the application operates

under.

In regard to Claim 7, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 13, Evans teaches: (a) the executable code comprises an application program (Abstract, line 12); (b) the configuration is an application configuration (Figure 2(a), item 130). It would be obvious that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under. It would further be obvious that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under. Evans does not teach redirecting one assembly version to another assembly version. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, where the executable code is an application program, and the configuration is an application program, a publisher configuration, or an administrator configuration, as taught by Evans, and redirecting one assembly version to another assembly version as taught by Barboy, since this allows users to access a new software version without having knowledge that an older version has been updated.

In regard to Claim 14, the subject matter of the application configuration and the publisher configuration stated in Claim 14 has already been addressed in Claim 13, and Claim 14 is rejected for the same reasons as Claim 13.

In regard to Claim 17, Evans teaches: (a) a manifest including information that specifies a dependency of executable code on an identified version of a shared assembly (Column 12, lines 50-53); (b) a configuration corresponding to the shared assembly (Figure 2(a), item 130); and (c) a binding mechanism to select the identified version of the shared assembly (Figure 2(a), item 124). Evans does not teach that the configuration information redirects one version of a shared assembly to another version of that shared assembly, or where interpreting the configuration includes redirecting the identified version in the manifest to another version identified in the configuration. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a system in a computing environment including a manifest, a configuration, and a binding mechanism, as taught by Evans, where the configuration information redirects one version of a shared assembly to another version of that shared assembly and where the binding mechanism interprets the configuration by redirecting the identified version in the manifest to another version identified in the configuration, as taught by Barboy, since this allows users to access a new software version without having knowledge that an older version has been updated.

In regard to Claim 18, Evans teaches a mapfile that saves the binding information that determines which assembly version to map to the assembly.

In regard to Claim 20, Evans teaches a storage medium holding the mapfile (Column 15, lines 46).

In regard to Claim 21, Evans teaches that the executable code comprises an application program (Abstract, line 12). The examiner takes official notice that storing files in a folder is a well-known method of storing files in a file system, since this allows files to be grouped with other files, and hence better organized.

In regard to Claim 22, Evans teaches storing the application configuration in a folder comprising the application program (Column 2, lines 13-17).

In regard to Claim 23, Evans teaches storing the configuration information in assembly cache containing at least one assembly version (Column 2, lines 13-17). It would be obvious that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under.

In regard to Claim 24, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 25, Evans teaches an application configuration data structure (Figure 1, item 130).

In regard to Claim 26, Evans teaches that the configuration contains configuration version data associated therewith (Figure 2(a), item 130).

10.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S.

Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614) and further

in view of Leblang et al. (U.S. Patent Number 4,809,170).

In regard to Claim 19, Evans and Barboy teach the system of Claim 18, but do not teach a

version matching mechanism configured to relate a version independent request with a version

specific assembly. Leblang, however, does teach a (Column 12, lines 36-44) version matching

system, which allows dynamic version requests to be matched to specific versions when binding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to perform the system of Claim 18, where the system includes a version matching

mechanism configured to relate a version independent request with a version specific assembly,

since this allows requests for binding, when the specific versions of the applications are

unknown.

11.   Claims 28-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al.

(U.S. Patent Number 5,805,899).

In regard to Claim 28, Evans teaches: (a) receiving a request corresponding to binding a

selected version of a shared assembly to an application program (Column 1, lines 23-24); (b)

determining whether a configuration is associated with the assembly, and if so, interpreting

information in the configuration to determine whether to bind to the application program a

version of the assembly that is different than the selected version of the assembly (Column 14,

lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an

application would come from a publisher configuration, since the publisher of the application has

designed the application, and knows first-hand the criterion that the application operates under;

(c) determining whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 15, lines 4-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a request corresponding to binding a selected version of a shared assembly to an application program, and determine whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly, and finally determine whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly, where the first determination is made with publisher configuration information, since a publisher of the application would ordinarily have the criterion that the application operates under.

In regard to Claim 29, Evans teaches returning information corresponding to the selected version of the assembly in response to the request (Column 2, lines 13-17).

In regard to Claim 30, Evans teaches loading the selected version of the assembly in response to the request (Column 14, lines 62-65).

In regard to Claim 31, the examiner takes official notice that since the selected version is bound to the application program, it would be obvious to store the selected version in the application program folder, since folders typically group applications and related files together.

In regard to Claim 32, Evans teaches a storage medium containing the object code to be versioned (Column 15, lines 44-45).

In regard to Claim 33, Evans teaches: (a) receiving a request corresponding to binding a selected version of a shared assembly to an application program (Column 1, lines 23-24); (b) determining whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 15, lines 4-12); (c) determining whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 14, lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under; (d) determining whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 14, lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a request corresponding to binding a selected version of a shared

assembly to an application program, and determine whether an application configuration is

associated with the assembly, and if so, interpreting information in the configuration to

determine whether to bind to the application program a version of the assembly that is different

than the selected version of the assembly, determine whether two more configurations are

associated with the assembly, and if so, interpreting information in the configurations to

determine whether to bind to the application program a version of the assembly that is different

than the selected version of the assembly, where the last two configurations are a publisher

configuration information, since a publisher of the application would ordinarily have the

criterion that the application operates under, and an administrator configuration, since an

administrator in a corporate environment has the knowledge and the information from the

publisher of the application to know the criterion that the application operates under.

Claims 34-37 correspond directly with Claims 29-32, and are rejected for the same

reasons as Claims 29-32, respectively.

Response to Arguments

12.   Applicant's arguments filed on 4/19/2004 have been fully considered but they are not

persuasive.

Applicant argues

1)   Evans does not teach receiving a request corresponding to binding at least one shared

assembly to executable code as recited in claim 1.

2)   Evans does not teach using assemblies of versioned objects to link to executable code,

that is Evans does not teach determining a version of a shared assembly to link to executable

code as recited in claim 1.

3)   Evans does not teach configuration information corresponding to the assembly as recited

in claim 1.

4)   Evans does not teach a publisher configuration having redirection information as recited

in claim 8.

5)   Evans does not teach an administrator configuration as recited in claim 10.

6)   Regarding claim 2, Barboy teaches a software updating system that can be use dot

providing the newest update of a software program to a user without their knowledge. However,

the newest version of a software program is not the same as a different version o fan assembly

objects as recited in claim 2.

7)   Barboy teaches away from the recitations of claim 17 as older versions of applications are

not available to the user since the user is unaware of the redirection.

8)   Regarding claims 28 and 33, applicant disagree and challenge the office action's

unsupported conclusion of "publisher configuration were well known in the art".

Examiner's response:

1)   Evans clearly teach receiving a request corresponding to binding at least one shared

assembly to executable code as recited in claim 1 (col. 1 lines 23-24, note that to dynamically

links objects at runtime, a request is inherently made).

2)   Evans clearly teach using assemblies of versioned objects to link to executable code, that

is Evans does not teach determining a version of a shared assembly to link to executable code as

recited in claim 1 (col. 14 lines 57-61, "...specifying a version name...").

3)   Evans clearly teach configuration information corresponding to the assembly as recited in

claim 1 (col. 14 lines 57-61, "...providing a mapfile...the mapfile further specifying global

symbols that is form an interface of the version of the first software program...").

4)   The previous office action provides the reasoning of why the combination of Evans and

the well-known knowledge disclose the limitations in claim 8. Applicant has failed to point out

the errors in the motivation to combine the prior arts, therefore, the rejection is proper and is

maintained. Note that applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re

Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5)   The previous office action provides the reasoning of why the combination of Evans and

the well-known knowledge disclose the limitations in claim 10. Applicant has failed to point

out the errors in the motivation to combine the prior arts, therefore, the rejection is proper and is

maintained. Note that applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re

Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6)   The previous office action provides the reasoning of why the combination of Evans and

the Barboy et al disclose the limitations in claim 2. Applicant has failed to point out the errors in

the motivation to combine the prior arts, therefore, the rejection is proper and is maintained.

Note that applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re

Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7)   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references.

8)   Applicant has attempted to challenge the examiner's taking of Official Notice on p.22

line 20 – p.23 line 2; however, applicant has not provided adequate information or argument so

that on its face it creates a reasonable doubt regarding the circumstances justify the Official

Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not

deemed necessary. The examiner's taking of Official Notice has been maintained.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

14.　　Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The

examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

　　　If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

　　　Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen

7/12/2004

WEI Y. ZHEN

PRIMARY EXAMINER